

UNITED STATES DISTRICT COURT

for the

Western District of North Carolina

United States of America)

v.)

Javan Thomas Waden)

Date of Previous Judgment: 12/12/2000
(Use Date of Last Amended Judgment if Applicable)

) Case No: 5:98CR282-13

) USM No: 20781-057

) Noell P. Tin

) Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 180 months **is reduced to** 144 months.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 35

Amended Offense Level: 33

Criminal History Category: IV

Criminal History Category: IV

Previous Guideline Range: 235 to 293 months

Amended Guideline Range: 188 to 235 months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

☐ The reduced sentence is within the amended guideline range.

☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.

☐ Other (explain):

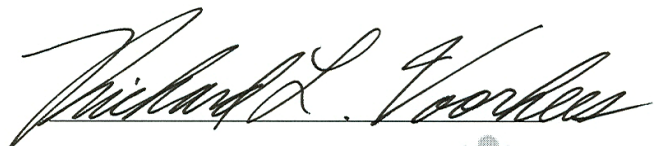
III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 12/12/2000 shall remain in effect.

IT IS SO ORDERED.

Order Date: July 29, 2008

Effective Date: _____
(if different from order date)



Richard L. Voorhees
United States District Judge



